

November 19, 2021

**60 DAY NOTICE OF INTENT TO SUE**

*for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986*  
Sent in compliance with California Health & Safety Code §25249.7(d), *et seq.*

**VIA CERTIFIED FIRST-CLASS MAIL**

Alan Jope, CEO  
Unilever United States, Incorporated  
700 Sylvan Avenue  
Englewood Cliffs, NJ 07632

The Corporation Trust Company  
as Registered Agent for Unilever United  
States, Inc.  
Corporation Trust Center  
1209 Orange St.  
Wilmington, DE 19801

**VIA ELECTRONIC FILING**

State of California Department of Justice  
Office of Attorney General of California  
filing link: [oag.ca.gov/prop65/add-60-day-notice](http://oag.ca.gov/prop65/add-60-day-notice)

**VIA FIRST CLASS MAIL**

District Attorneys of California Counties and  
City Attorneys, as in the Certificate of Service

**VIA E-MAIL**

District Attorneys of California Counties and  
City Attorneys, as in the Certificate of  
Service.

To alleged violator and public enforcement agencies:

I represent Shirley Jackson (“Ms. Jackson” or “Noticing Party”) in this matter and write on her behalf pursuant to California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at California Health and Safety Code § 25249.5, *et seq.*, to notify you that Unilever United States, Inc. (“Unilever” or the “Violator”) violated Proposition 65 in its sale of Suave 24-Hour Protection aerosol antiperspirants. Ms. Jackson is a California citizen who purchased Suave 24-Hour Protection aerosol antiperspirants in the State of California.

**GENERAL INFORMATION**

For general information, please see “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary” prepared by the California EPA and attached to this notice as Appendix A. (Appendix not included in notice served on public enforcement agencies.)

**PURPOSE OF NOTICE**

Proposition 65 requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6. With this notice of violation (“Notice”), Noticing Party gives a written notice of the alleged violation, bringing this action in the public interest as defined under the Cal. Health & Safety Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from products(s) (collectively, the “Specified Products” and each “Specified Product”) listed in the table below, which are manufactured, disturbed, and/or sold by Unilever United States, Inc. (the “Noticed Party”).

Ms. Jackson intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

**DESCRIPTION OF VIOLATION**

This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Party. Noticing Party is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Party responsible for sales of the Specified Products are as follows:

<b>Specified Products</b>	<b>Violative Chemical</b>	<b>Noticed Party</b>
Suave 24-Hour Protection Powder (scent) Aerosol Antiperspirant Suave 24-Hour Protection Fresh (scent) Aerosol Antiperspirant	Benzene	Unilever United States, Incorporated

The primary routes of exposure have been through dermal contact and inhalation.

Noticed Party has manufactured, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to Benzene.

Benzene is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, reproductive toxicity and cancer. Cal. Health & Safety Code § 25249.6 requires that a “clear and reasonable” warning be provided prior to exposure to chemicals listed under Proposition 65. The Noticed Party is in violation of Proposition 65 because the Noticed Party has failed to provide a warning to consumers that they are being exposed to Benzene. While in the course of doing business, the Noticed Party is knowingly and intentionally exposing consumers to Benzene without first providing a “clear and reasonable” warning.

The method of warning should be a warning that appears on the product's label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Party has not provided any Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, applying and/or otherwise using the Specified Products are being exposed to Benzene.

With respect to each Specified Product listed above, the violation commenced on the latter of the date that the Specified Product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until Benzene is removed from each Specified Product, reduced to allowable levels, or until a "clear and reasonable" warning is provided to consumers by the Noticed Party, as applicable, in accordance with the law.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Noticed Party:

Appendix A: "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary" (not included in notice served on public enforcement agencies)

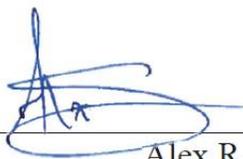
Pursuant to Title 11, C.C.R. § 3100, the "Certificate of Merit" is attached hereto.

Ms. Jackson intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Party agrees in a written agreement to (1) eliminate or reduce Benzene to an allowable level in the Specified Products or, as an alternative, (2) provide a Proposition 65-compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action by the Noticed Party on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and affording the Noticed Party the opportunity to avoid increasing costs associated with noncompliance.

***Please direct all communications regarding this notice to my attention via email at [astraus@milberg.com](mailto:astraus@milberg.com).***

Dated: November 19, 2021

  
\_\_\_\_\_  
Alex R. Straus

## **ATTACHMENTS**

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary" (to the Noticed Party only).

To: California Attorney General  
Noticing Party: Shirley Jackson  
Noticed Party: Unilever Unites States, Inc.

**CERTIFICATE OF MERIT**  
**Health and Safety Code Section 25249.7(d)**  
*To the Notice of Violation*

I, Alex R. Straus, attorney at law, hereby declare:

This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health and Safety Code §25249.6 by failing to provide clear and reasonable warnings.

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposure to the listed chemical that is the subject of the attached Notice of Violation dated November 19, 2021 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established, and the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute;

The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in Health and Safety Code § 25249.7(h)(2) (i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons).

November 19, 2021

  
\_\_\_\_\_  
Alex R. Straus

**PROOF OF SERVICE**

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action. My business address is 280 S. Beverly Drive, Beverly Hills, CA 90212.

On November 19, 2021, I served the (1) Notice of Violations of California Health & Safety Code § 25249.5 et seq. by Unilever United States, Inc., (2) Certificate of Merit, and (3) Appendix “A” – “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the parties below, and causing it to be deposited at a United States Postal Service Office for delivery by Certified Mail:

Alan Jope or Current CEO or President Unilever United States, Inc. 700 Sylvan Avenue Englewood Cliffs, NJ 07632	Alan Jope or Current CEO or President Unilever United States, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange St. Wilmington DE, 19801
--	---

On November 19, 2021, I served the (1) Notice of Violations of California Health & Safety Code § 25249.5 et seq. by Unilever United States, Inc., (2) Certificate of Merit, and (3) Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102 on the following parties by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at [oag.ca.gov/prop65](http://oag.ca.gov/prop65):

**State of California Department of Justice;  
Office of the Attorney General of California.**

On November 19, 2021, I served the (1) Notice of Violations of California Health & Safety Code § 25249.5 et seq. by Unilever United States, Inc., and (2) Certificate of Merit, on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
---	--	--

<p>District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642</p>	<p>District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012</p>	<p>District Attorney's Office Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097</p>
<p>District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965</p>	<p>District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637</p>	<p>District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533</p>
<p>District Attorney Colusa County 310 6th Street Colusa, CA 95932</p>	<p>District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903</p>	<p>District Attorney Stanislaus County 832 12<sup>th</sup> Street, Ste 300 Modesto, CA 95354</p>
<p>District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531</p>	<p>District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482</p>	<p>District Attorney Sutter County 446 Second Street Yuba City, CA 95991</p>
<p>District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667</p>	<p>District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020</p>	<p>District Attorney Tehama County PO Box 519 Red Bluff, CA 96080</p>
<p>District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721</p>	<p>District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703</p>	<p>District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093</p>
<p>District Attorney Glenn County Post Office Box 430 Willows, CA 95988</p>	<p>District Attorney San Benito County 419 4th Street Hollister, CA 95023</p>	<p>District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370</p>
<p>District Attorney Humboldt County 825 5th Street 4<sup>th</sup> Floor Eureka, CA 95501</p>	<p>District Attorney San Bernardino County 316 No. Mountain View Ave. San Bernardino, CA 92415</p>	<p>District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901</p>

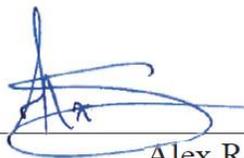
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3 <sup>rd</sup> Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16 <sup>th</sup> Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On November 19, 2021, I served (1) Notice of Violations of California Health & Safety Code § 25249.5 et seq. by Unilever United States, Inc., and (2) Certificate of Merit, on the following parties below, all of which have request electronic service only via the following emails addresses:

Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Contra Costa County District Attorney sgrassini@contracostada.org	Inyo County District Attorney inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego City Attorney CityAttyProp65@sandiego.gov	San Diego County District Attorney SanDiegoDAProp65@sdcca.org

San Francisco County District Attorney althca.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcd a.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara County District Attorney EPU@da.sccgov.org
Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org
Yolo County District Attorney cfepd@yolocounty.org	

Executed on November 19, 2021,

  
 \_\_\_\_\_  
 Alex R. Straus